

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/11/15

ISREAL GAMERO, NORBERTO MASTRANZO AND
OSCAR SANCHEZ, INDIVIDUALLY AND ON BEHALF OF OTM

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

15 Civ. 26 (9)7

- against -

ANSWER

Kodo Sushi Corp (DBA Kodo Sushi)
RAYMOND KOO AND MICHAELLE KOO

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I

ADMISSIONS AND DENIALS

In this section, state which factual allegations in the complaint you admit to and which factual allegations you deny. You should refer to the complaint paragraph by paragraph (and sentence by sentence within each paragraph), in the same order as the paragraphs and sentences appear in the complaint. Attach additional sheets of papers as necessary.

1. DENY: RAYMOND KOO HAS NO INTEREST, NOR POSITION IN THIS CORP.
2. ADMIT
3. DENY: ONLY MICHAELLE KOO IS OWNER, MANAGER. (HAVE 13 YEAR TAX RETURN TO PROVE)
4. DENY: DISHWASHER GOT PAID TO CLEAN OUT LEAKING FROM DRAIN DUE TO HIS OWN FAULT. (LACK OF CLEAN). FIXING FLOOR GOT ADDITIONAL PAYMENT
5. DENY: ANYONE WORKING IN THIS RESTAURANT ALL GOT PAID FOR OVERTIME.
6. DENY: WE HAVE ALL RECORDS FOR EVERY EMPLOYEES WITH THEIR SIGNATURES
7. DENY: WE HAVE ALL FACT TO PROVE, THAT RESTAURANT COMPLETELY CLOSED DURING 3PM TO 5 PM. MONDAY THROUGH FRIDAY. (VIDEO TAPES)
8. DENY: DELIVERY ONLY NEED TO VACUUM THE STAIRS (13 STAIRS) THEY STORED THEIR BIKES. CUTTING GRAPPERS FOR THEIR OWN DELIVERY ITEMS.
9. DENY: WE PAID EVERY DELIVERY STAFF \$5.00 PER HOUR NET, WHICH WAS \$5.87 PER HOUR, MINUS EMPLOYEE MEAL + TIME.
10. DENY: NOT TRUE AT ALL.

II
DEFENSES

In this section, state any legal theories that, even assuming that what plaintiff has alleged in the complaint is true, do not permit the plaintiff to win the case. Attach additional sheets of paper as necessary.

FIRST DEFENSE:

MICHELLE KOO

SECOND DEFENSE:

THIRD DEFENSE:

WHEREFORE defendant asks this Court to dismiss the complaint and enter judgment in favor of defendant.

[If you have any counterclaim against the plaintiff that arises out of the same events or transactions stated in the complaint, and/or any crossclaims against the other defendants that arise out of the same events or transactions stated in this complaint, and/or any third-party claims you have against third-parties (that is, someone not already named in the lawsuit) that arise out of the same events or transactions stated in the complaint, you should attach additional sheets of paper to set forth the facts and bases for any such claims. See the Pro Se Manual for a further explanation.]

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11 day of MAY, 2015

Signature of Defendant

Address

*53 LIBERTY ST
NY NY 10005*

Telephone Number

212 725 2890

Fax Number (if you have one)

212 725 2891

11. DENY. WE ARE LUNCH BUSINESS. DINNER ONLY DELIVERY. WE HIRED DELIVERY FOR DINNER ONLY. DISHWASH HAS NO JOB TO BE AT NIGHT. WE HAD ALL THE PROVE THAT, DISHWASHER GOT MORE THEN 1/3 OF TIPS OF ENTIRE RESTAURANT.

12. DENY. WE NEVER DEDUCT ANY AMOUNT FROM TIPS BY OURSELF.

13. DENY TOTAL NOT TRUE.

14. DENY. ANSWERED ON # 5. IF ANY OVERTIME, ALL PAID 1 1/2.

15. DENY. FAULT, WE HAVE EVERYTHING TO PROVE INSOENT.

16. N/A

17. N/A

18. N/A

19. DENY. DATE WAS WRONG. WE WILL PROVIDE DETAIL RECORD.

20. ADMIT

21. ADMIT

22. ADMIT

23. ADMIT

24. DENY. HE NEVER HAD ANYTHING TO DO WITH CORP, BESIDE GETTING THE CORP PAPER.

25. ADMIT

26. ADMIT

27. DENY. ONLY MICHELLE KOO. (WE HAVE ALL PAPERS TO PROVE)

28. DENY. SAME REASON AS #27

29. DENY. SAME REASON AS #27

30. DENY. SAME REASON AS #27

31. N/A

32. DENY. FAULT

33. DENY. SAME REASON AS #27

34. DENY. SEE TAX RETURNS

(3)

35. DENY.

36. DENY. DISHWASHER GOT PAID FROM 11AM-3PM LESS LUNCH BREAK.
GOT PAID FOR DELIVERY FROM 3PM-10PM LESS DINNER BREAK.

37. N/A

38. DENY. DATE WAS WRONG

39. ADMIT

40. DENY.

41. DENY.

42 DENY

43. N/A

44. DENY. WE HAD DETAIL RECORD.

45 DENY. WE HAD DETAIL RECORD.

46 DENY. WE HAD DETAIL RECORD.

47. DENY. WE HAD DETAIL RECORD WITH HIS OWN SIGNATURE.

48. ADMIT.

49. DENY. HE GOT PAID BY HOURS. #5.75 PER HOUR, LESS MEAL.

50. DENY. NEVER HAPPENED

51. DENY. NEVER HAPPENED. INSTEAD ALWAYS DRUNK DURING WORK

52. DENY. EVERYONE WORK AS DELIVERY ALL NOTIFIED AND SIGNED PAPER.

53. DENY. SEAMLESS WITH HOLD NOT KODOM SUSHI (WE APPROVE)

54. DENY.

55. DENY. WE HAD DAILY RECORD

56. DENY. POST ALWAYS ON THE KITCHEN WALL.

57. DENY. EVERY MONDAY PAY FOR THE PREVIOUS WEEK.

58. DENY. WE HAVE PICTURE TO PROVE.

59. ADMIT.

60. DENY. HE PROVIDED DISHWASH Monday THROUGH FRIDAY (BESIDE HOLIDAY)

(4)

61. DENY: 11:00AM - 3:00PM GOT PAID FOR DISHWASHER. 5:00PM-7:00PM DELIVERY.

62. DENY: ONCE A WEEK; SUPPLIES FROM NYC.

63. N/A

64. ADMIT: GOT OVERTIME PAY.

65. DENY: 11AM - 3PM DISHWASHER
5PM - 10PM DELIVERY. (USUALLY LEFT EARLIER, STILL GOT PAID)

66. ADMIT

67. DENY: HOURLY PAID = 6/14/10 #460; 6/21/10 #450; 6/28/10 #460 ER.

68. DENY: HOURLY PAID.

69. DENY.

70. DENY.

71. DENY. EVERY EMPLOYEE HAD TWO MEALS OR MORE PER DAY. (LUNCH, DINNER, SOMETIMES BREAKFAST)

72. N/A

73. DENY. ONLY STEAMERS WAS WITHHOLDING. NOT THE RESTAURANT.

74. DENY.

75. DENY. WE HAD DETAIL RECORD.

76. DENY. HE SIGNED FOR EVERY STATEMENT OF PAY (PUTON)

77. DENY. ALL POSITS ARE IN THE KITCHEN. (SOME OF THEM HE REFERRED TO)

78. DENY. IN ENGLISH.

79. DENY.

80. DENY. LUNCH DISHWASHER, DINNER DELIVERY.

81. DENY. WE DID NOT PURCHASE GOODS BY OURSELF UNTIL LATE 2010.

82. N/A

83. ADMIT.

84. ADMIT.

85. DENY.

86. ADMIT.

(3)

87. DENY.

88. DENY

89. DENY.

90. DENY

91. DENY. NEVER HAPPENED.

92. DENY. NEVER HAPPENED

93. DENY. WE HAVE DETAIL RECORD. HE HAD NOTEBOOK TO RECORD.

94. DENY. EVERY PAY RECORDED, SIGNED

95. DENY. POSTS INSIDE KITCHEN ON THE WALL.

96. DENY. NOTICED IN ENGLISH

97. DENY. WE PROVIDE ALL TOOLS & UNIFORMS.

98. DENY. WE PAID ALL OVERTIME FOR EVERY EMPLOYEES.

99. DENY. NEVER HAPPENED

100. DENY. NEVER HAPPENED

101. DENY. NEVER HAPPENED

102. DENY. NEVER HAPPENED

103. DENY. NEVER HAPPENED

104. DENY. NEVER HAPPENED

105. DENY. NEVER HAPPENED

106. DENY. NEVER HAPPENED

107. DENY. NEVER HAPPENED

108. DENY. NEVER HAPPENED

109. DENY. NEVER HAPPENED

110. DENY. NEVER HAPPENED

111. ADMIT

112. DENY. WE HAVE ALL RECORD FOR HIS HOURS

6

113 DENY. NEVER HAPPENED

114 DENY. NEVER HAPPENED

115 DENY. NEVER HAPPENED

116. DENY. POSTED IN KITCHEN WALL, UPDATED EVERY TIME NEW POST.

117. DENY. NEVER HAPPENED

118. DENY. THIS PLAINTIFF HAD SICK DAUGHTER, WE ALWAYS HELP HIS WITH EARLY DISMISS, LATE ARRIVAL & EARLY PAY, ADVANCE PAY. ETC

119 DENY

120 DENY

121 DENY

122 DENY

123 DENY

124 DENY

125 DENY

126 DENY

127 DENY

128 DENY

129 DENY

130 DENY

131 N/A

132 DENY

133 DENY

134 DENY

135 DENY

136 DENY

137 DENY

ARRIVAL

(7)

138. DENY

139. DENY

140. DENY

141. DENY

142. DENY

143. DENY

144. DENY

145. DENY

146. DENY

147. DENY

148. DENY

149. DENY

150. DENY

151. DENY

152. DENY

153. DENY

154. DENY

155. DENY

156. DENY

157. DENY

158. DENY

159. DENY

160. DENY

161. ~~DENY~~ N/A

83
84

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